

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, January 28, 1909.

Senate met pursuant to adjournment,
President Pro Tem. Terrell in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hume.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

RESIGNATION OF STENOGRAPHER.

Austin, Texas, January 28, 1909.

To the President of the Senate:

Having been appointed stenographer in the Governor's office, I hereby tender my resignation as stenographer in the Senate from the Third Senatorial District, to take effect at once, and in doing so I wish to thank the President of the Senate and each member of same for my appointment as stenographer of the Senate and for their kind and courteous treatment while acting as such.

Yours respectfully,
M. T. BARRETT.

On motion of Senator Sturgeon, the resignation was accepted.

Senator Murray moved that Senator Sturgeon be allowed to select a successor to Mr. Barrett, the vacancy being from his district.

The motion was adopted by a rising vote.

SENATE BILL NO. 54 PRINTED IN FULL.

Committee Room.

Austin, Texas, January 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

Senate bill No. 54, A bill to be entitled "An Act for the establishment, maintenance and government of a State normal school to be located at Thorp's Spring, Texas, and to be known as the Brazos Valley Normal, and making an appropriation therefor,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it be printed in full in the Journal for the information of the Senate. The committee will give it further consideration later.

ALEXANDER, Chairman.

On motion of Senator Harper, the above report was adopted.

Following is the bill in full:

S. B. No. 54.

By Alexander.

A BILL

To be entitled

An Act for the establishment, maintenance and government of a State normal school, to be located at Thorp's Spring, Texas, and be known as the Brazos Valley Normal, and making an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be established at the college, heretofore known as the Add-Ran-Jarvis College, at Thorp's Spring, in the county of Hood, Texas, a normal school to be known as the Brazos Valley Normal, provided that the board of trustees of the Add-Ran-Jarvis corporation shall, within thirty days after this act takes effect, convey, or cause to be conveyed, to the State of Texas by a good and perfect title, the school building and grounds belonging to the said Add-Ran-Jarvis College, which said conveyance shall be approved by the Governor and Attorney General.

Sec. 2. When said conveyance is duly approved by the Governor and Attorney General, said building and grounds belonging to or used by said Add-Ran-Jarvis College shall pass to and be under the control of the State Board of Education and on or before the third Monday in September, A. D. 1909, the

said State Board of Education shall organize and put in operation at said location a State Normal school to be known as the Brazos Valley Normal, which shall be conducted for a session of not less than thirty-six weeks each year upon approved methods and plans for first-class schools designed for the special training of teachers, and said school shall be under the control and management of the State Board of Education.

Sec. 3. The State Board of Education shall have power to prescribe rules and regulations for the management, control and discipline of said State normal school; to prescribe courses of study and text-books for the same; to regulate the admission of pupils thereto; to select a president and such teachers as may be deemed necessary therefor, and fix their compensation, and to do and perform all other acts not inconsistent with the laws of this State, as may be necessary or proper for the successful management and conduct of said school.

Sec. 4. Tuition in said normal shall be free to all students who are at least sixteen years of age, of good moral character, and who wish to prepare themselves for the profession of teaching, and it shall be the duty of the Comptroller of Public Accounts to set apart annually, beginning September 1, 1909, out of the general revenue, the sum of twenty thousand dollars for the maintenance of said normal school, together with such other sums as may be appropriated from year to year by Senators and Representatives, such sum or sums to be placed to the credit of such State normal school, and which shall be paid out upon warrants approved by the Governor and attested by the State Board of Education. The Board of Education is hereby authorized to receive from the agent of the Peabody Education Fund such sums as he may tender for the aid of the said State normal school, to be disbursed in such manner as may be prescribed by the donor. All State students attending such college shall sign a written obligation, in a book to be kept for that purpose, binding said student to teach in the public schools of this State for as long a period of time as they attend said college, and said Board of Education shall make rules by which students may receive diplomas and certificates as qualifications as teachers, authorizing them to teach without further examination.

Sec. 5. It shall be the duty of the State Superintendent to visit said school

and investigate the operations thereof at least twice during each year, and report to the State Board of Education the condition, progress and need of said school, and the said State Board may appoint other persons to visit said school and report thereon.

Sec. 6. The State Board of Education may appoint a local board of directors for said normal school, to be composed of three resident citizens of Hood county, to perform such duties as may be prescribed by said State Board.

SENATE BILL NO. 100 PRINTED IN FULL.

Committee Room,
Austin, Texas, January 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

Senate bill No. 100, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school to be located at Cherokee, Texas, and to be known as the West Texas State Normal College, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be printed in the Journal in full for the information of the Senate. Your committee will give it further consideration later.

ALEXANDER, Chairman.

On motion of Senator Harper, the above report was adopted.

Following is the bill in full:

S. B. No. 100.

By Adams.

A BILL

To be entitled

An Act to provide for the establishment, maintenance and government of a State normal school to be located at Cherokee, Texas, and be known as the West Texas State Normal College, and declaring an emergency.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be established at the college heretofore known as the West Texas State Normal and Business College, at Cherokee, in the county of San Saba, Texas, a normal school to be known as the West Texas State Normal College; provided, that the citizens and municipal authorities of said city of Cherokee

shall, within thirty days after this act takes effect, convey or cause to be conveyed to the State of Texas, by a good and sufficient deed in law under a chain of title satisfactory to the Attorney General of Texas, the buildings, grounds and other property belonging to or used by the said West Texas Normal and Business College, and shall be approved by the Governor and Attorney General; provided, that said college building, when tendered and accepted, shall be sufficient to accommodate at least four hundred pupils, and provided further, that if the donation and proposition mentioned herein is not fully complied with by the city of Cherokee to the satisfaction of the Governor, Comptroller and Superintendent of Public Instruction, then the location of such normal college shall be open to such other place as the Governor, Comptroller and Superintendent of Public Instruction may deem most satisfactory and advantageous to the State.

Sec. 2. When said conveyance is duly approved by the Governor and Attorney General, said building, grounds and other properties belonging to or used by said West Texas Normal and Business College, shall pass to and be under the control of the State Board of Education, and on or before the ——— Monday in September, A. D. 1909, the same being the ——— day of said month, the said board of education shall organize and put in operation at said location a State normal school to be known as the West Texas State Normal College, which shall be conducted for a session of not less than thirty-six weeks each year, upon approved methods and plans for first-class schools designed for the special training of teachers, and said school shall be under control and management of the State Board of Education.

Sec. 3. The State Board of Education shall have power to prescribe rules and regulations for the management, control and discipline of said State normal school; to prescribe courses of study and text-books for the same; to regulate the admission of pupils thereto; to select a president and such teachers as may be deemed necessary therefor, and fix their compensation, and to do and perform all other acts not inconsistent with the laws of this State, as may be necessary or proper for the successful management and conduct of said school.

Sec. 4. The Legislature may, after the taking effect of this act, from time to time, make such appropriation for the support and maintenance of said State normal school as may be necessary, which shall be paid out upon vouchers drawn in such manner as may be provided by the State Board of Education, upon approval of the Superintendent of Public Instruction.

Sec. 5. It shall be the duty of the State Superintendent to visit said school and investigate the operations thereof at least twice during each year, and report to the State Board of Education the condition, progress and need of said school, and the said State Board may appoint other persons to visit said school and report thereon.

Sec. 6. The State Board of Education may appoint a local board of directors for said normal school, to be composed of three resident citizens of San Saba county, to perform such duties as may be prescribed by said State Board.

Sec. 7. The fact that there is now no normal school in West Texas, and persons preparing themselves for teachers are put to great unnecessary expense in attending either of the other State normals, thereby entail a great and unnecessary hardship upon the public school system in the western part of Texas, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

SIMPLE RESOLUTION—PROVIDING FOR PRINTING A BILL.

By Senator Veale:

Whereas, There is now pending certain bills before the Senate creating and establishing certain State normal schools, and

Whereas, Said bills have been ordered printed in the Journal, and

Whereas, A Senate bill to be introduced later is for the purpose of creating the Northwest Texas Normal, be it

Resolved, That said Senate bill be also printed in the Journal along with similar bills this day ordered printed in the Journal.

Following is the proposed bill in full:

S. B. No.—

By Veale.

A BILL

To be entitled

An Act to provide for the establishment and maintenance of a State normal school to be located at some point within the bounds of the Twenty-ninth Senatorial District of the State of Texas, such point to be hereafter designated, to be known as the Northwest Texas Normal School, making appropriations for the necessary buildings and grounds, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be established at some place within the boundaries of the Twenty-ninth Senatorial District of the State of Texas, such place to be determined and situated in the manner and by the means hereinafter provided for a State normal school to be known as the Northwest Texas Normal School.

Sec. 2. That as soon as practicable after the passage of this act, the Governor of the State of Texas shall appoint a commission composed of seven persons, residents of the State of Texas, but none of whom shall reside north of the Texas and Pacific Railroad, by and with the advice and consent of the Senate, whose duty it shall be to select a site for said normal school, and to obtain the title to the same as cheaply as possible, provided the lasting advantages of such school shall thereby be conserved; such board or commission may take into consideration any donations of money, lands or other property which may be tendered as an inducement to have said school established at any point within said senatorial district, and may consider the donation of any building or buildings which may be already erected in which to conduct said school, provided that the site may be as good and permanently advantageous by the acceptance of such donated lands, money or buildings; and provided, further, that such commission shall take into consideration the accessibility of such location by rail, and shall also consider the climatic advantages and the quality and quantity of water supply and drainage, as well also as the healthfulness, moral and social environments and influences and all other facts and circumstances affecting the suitability of the site in question as a location for said school; said locating commission shall receive out of the amount hereinafter appropriated all of

their necessary traveling expenses and other expenses incurred in the discharge of their duty and the sum of \$5 each per day for each day they are actually engaged in making said location, not to exceed thirty days; provided, further that when said commission shall have selected said site and its report of such situation shall have been delivered to the Governor as hereinafter provided for, its powers and duties shall cease to exist, and the management, control and direction shall be and is hereby vested in the State Board of Education of the State of Texas.

Sec. 3. As soon as practicable after said commission shall have agreed on the place for the location of said normal school they shall prepare and forward to the Governor of the State, their written report of such location, together with deeds of conveyance to the State of Texas of any real property, with abstract of title showing valid title thereto, donated to said normal and any and all monies or other property which may have been donated in consideration of the location of such school, together also with such bonds or other written obligations, the property of the State of Texas, given or promised in consideration for the location of said school.

Sec. 4. The decision of said commission as to the place of location of said school, and its agreements with reference to donations of property, money or buildings, shall be final and not subject to revision by any power or tribunal provided that said school shall not be established at such place until the title to any real property which may be given to the State of Texas, on which to establish said school shall be legally vested in the State of Texas, such title to be approved by the Attorney General; and provided, further, that any and all sums of money donated must have been either paid to the State Treasurer to be by him kept until expended by the State Board of Education, or be evidenced by good and sufficient bonds to be approved by the State Treasurer, payable and conditions at the pleasure and under the direction of said commission.

Sec. 5. As soon as said commission has selected said location and has made its report to the Governor, said report and all deeds, bonds, moneys and papers, shall be by him delivered forthwith to the State Board of Education, whose duty it will be to erect and equip the necessary buildings and grounds for said school as in their judgment may be nec-

essary for the operation and conduct of said school, such buildings to be of such capacity and architectural design as said Board of Education may deem necessary and proper, to be equipped with modern heating and lighting appliances, and to have installed therein such school furniture and demonstrative apparatus as is necessary to the proper conduct of said school and to fence and beautify the grounds of said school to such an extent as to said Board may seem proper.

Sec. 6. The Board of Education shall have the same power and control as to the admission of the pupils of said Northwest Texas Normal School as it has to the admission of pupils to the Sam Houston Normal Institute, the Denton Normal, and the Southwest Texas Normal School.

Sec. 7. The State Board of Education shall appoint a local board of three trustees for the said Northwest Texas Normal School, who shall perform such duties as may be required by the State Board of Education, and such other duties as are required by law of the local board of the Sam Houston Normal Institute, and shall receive the same compensation; and the State Board of Education shall exercise all the powers and control over the Northwest Texas Normal School that said Board is authorized by law to exercise over the Sam Houston Normal Institute, and the salaries of the teachers shall never exceed what is allowed by law for teachers in the Sam Houston Normal Institute.

Sec. 8. As soon as the necessary buildings have been erected and equipped as herein provided for said Northwest Texas Normal School are ready for occupancy the Board of Education shall make such fact known in such manner as to it may seem proper and effective, and shall proceed at once to open and organize said school by the employment of the necessary number of teachers and the number of teachers may be increased by said Board from time to time as the increased attendance may demand; provided, that at no time shall any debt be incurred by said Board in excess of the money appropriated for the purposes of this act and for the support and maintenance of said school.

Sec. 9. The sum of \$75,000 is hereby appropriated out of the general revenue, \$60,000 of which (or so much thereof as may be necessary) shall be for the purpose of paying the expense, mileage and per diem of the locating commission provided for in this act and the erection

and equipment of the necessary buildings and grounds for said school, and \$15,000 (or so much thereof as may be necessary) for the running expenses of such institution after the completion and furnishing of said buildings.

Sec. 10. The money appropriated by this act may be drawn upon by the State Board of Education on vouchers audited by the said Board and approved by the Governor, and on filing such vouchers with the Comptroller he shall draw his warrant on the State Treasurer for the amount in favor of said Board; provided, that the money necessary to be drawn with which to pay the expenses and per diem of such Commission may be drawn in the manner above indicated, and in such sums and at such times as the Governor may think proper and necessary in defraying the expenses of said Commission.

Sec. 11. The fact that there is no normal school in the Twenty-ninth Senatorial District of Texas, commonly known as the "Panhandle" of Texas, and the fact that students must now travel hundreds of miles in order to reach any of the normals mentioned in this act, and the further fact that the territory in which said normal school is to be located is rapidly being settled up increasing the demand for educational facilities, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

JOINT COMMITTEE REPORT.

Committee Room,

Austin, Texas, January 22, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sirs: We, your Joint Committee on Rules, respectfully submit the following Joint Rules of the Senate and the House of Representatives, to wit:

JOINT RULES OF THE TWO HOUSES.

Disagreement Between the Two Houses.

1. In every case of an amendment in one house, and dissented to by the other, if either house shall request a conference and appoint a committee for that purpose, and the other house shall appoint a committee to confer, such committee shall, at a convenient hour

to be agreed on by their chairmen, meet in their conference chamber and state to each other, verbally or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. After each house shall have adhered to their disagreement, a bill or resolution is lost.

3. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof is to be given to the house in which the same may have passed.

Communication Between the Houses.

4. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

5. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

6. All messages relating to the passage, substitution or amendment of any bill, resolution or other matter in passage between the two houses, shall be sent by such person as a sense of propriety in each house may determine to be proper, and shall be in writing, on but one side of separate sheet or sheets of paper, and shall be properly addressed to the presiding officer of the house to which the message be sent, and shall be signed by the person delivering the same, in his official capacity, and such message, as written, shall be printed in full in the Journal of the house receiving the same.

7. While bills and resolutions are on their passage between the two houses they shall be on paper, and under the signature of the Secretary or Clerk of each house, respectively.

8. Each house transmits to the other all papers on which any bill or resolution may be founded.

Consideration of Bills in the Respective Houses and the Final Passage Thereof.

9. When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a com-

mittee of the Senate containing the same subject, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

10. When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill.

11. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature. (Constitution, Article 3, Section 37.) And no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, unless it be to correct an error therein.

Enrolling and Signing of Bills and Resolutions and Their Presentation to the Governor.

12. After a bill shall have passed both houses it shall be duly enrolled on paper by the Enrolling Clerk of the House of Representatives or of the Senate, as the bill may have originated in the one or the other house, and properly signed by the presiding officer of each house, as required by the Constitution, before it shall be presented to the Governor.

13. When bills are enrolled they may be examined by a joint committee of three from the Senate and three from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the houses, and carefully correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective houses.

14. After examination and report, each bill shall be signed in the respective houses—first by the presiding officer of the house in which it originates, then by the presiding officer of the other house, in accordance with Article 3, Section 38 of the Constitution.

15. After a bill shall have thus been signed in each house, it shall be presented to the Governor for his appro-

bation by the enrolling committee of the house in which it originated, it being first endorsed on the back of the roll, certifying in which house the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which the same did originate, and shall be entered on the Journal of such house. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

16. All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills, and said report shall be accompanied by a copy of said bill as a part of said report, which said copy may be typewritten or printed, partly written and printed, or written and partly printed, and, unless it is a local bill, it shall be printed in the Journal of the House or Senate to which said report is made.

Elections by Joint Vote of the Two Houses.

17. In all elections by joint vote of the two houses of the Legislature, the Senate will, upon invitation, meet the House in its Hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The Speaker of the House will preside. The names of the Senators shall then be alphabetically called, after which the names of the Representatives shall be called in like manner, and if a quorum of both houses answer to their names, the two houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by the Secretary, and their votes recorded by him. The names of the Representatives shall then be called by the Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receive a majority, the voting shall be repeated

until an election is made. After the conclusion of the election for which the two houses have met in joint session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered on the Journal of each house.

18. If a quorum of either house shall fail to attend a joint session, or absent themselves therefrom without the permission of such house, the members of the house so wanting a quorum, if ten in number, shall have the right to compel the attendance of the absentees in accordance with its own rules; and after a reasonable time, if a quorum is not obtained, the joint session may be adjourned by the vote of a majority of the members of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without debate.

19. If no choice shall have been made on the first ballot or vote, at any time thereafter, the joint session may be adjourned, with or without naming another day for meeting, by the vote of a majority of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without delay.

20. In all conferences between the Senate and the House by committee, the number of each committee shall be five (5), and all votes on matters of difference shall be taken by each committee separately, and it shall require a majority of each committee present concurring upon the matter in dispute to determine it. The reports of all conference committees must be signed by a majority of each committee of the conference.

STOKES,

Chairman on part of the Senate.

FITZHUGH,

Chairman on part of the House.

BILLS AND RESOLUTIONS.

By Senator Senter:

Senate bill No. 133, A bill to be entitled "An Act to amend Section 1 of an act entitled 'An Act to establish and create in each of the cities, towns and villages of this State a State court to be known as the corporation court, etc.'"

Read first time, and referred to Committee on Towns and City Corporations.

By Senators Peeler and Hayter:

Senate bill No. 134, A bill to be entitled "An Act to repeal Section 12 of an act passed by the First Called Session of

the Thirtieth Legislature, Chapter 18, entitled, 'An Act to provide for the levy and collection of an occupation tax upon individuals, companies, corporations and associations pursuing any of the occupations, viz., express companies; telegraph and wireless telegraph; gas; electric light, electric power or waterworks, or water and light business; collecting agency business; commercial agency business; commercial reporting agency business; business of foreign corporations owning stock cars, refrigerator and fruit cars, tank cars, coal cars, furniture cars, common box and flat cars, and leasing, renting or charging mileage for the use of such cars within the State of Texas; business of owning, operation, leasing or renting pipe line or pipe lines; sleeping car, palace car, dining car business; life insurance business, fire insurance business, fire and marine business, marine, marine and inland insurance company business, life and accident, life and health, accident, credit, title, steam boiler, live stock, and casualty insurance business; surety and guaranty insurance company business, business of wholesale dealers in coal oil, naphtha, benzine and other mineral oils refined from petroleum, and defining wholesale dealers; wholesale distributors or wholesale distributors or wholesale dealers in spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, and defining wholesale distributors and dealers; the business of street railway companies, the business of interurban, trolley, traction or electric street railway companies, the business of wholesale and retail dealing in pistols, the business of owning or operating or controlling a telephone business; the business of publishing, printing and selling text-books or law books, or either; the business of owning, controlling, managing or leasing oil wells, the business of owning, controlling, managing or operating any terminal railway company or terminal railway; and providing for the levy and collection of an occupation tax on individuals, companies, firms, corporations, and associations who begin the pursuit of any such occupation taxed herein on or before the beginning date of the quarter as fixed herein; and providing for penalties for violation of the provisions of this act; and giving the State Revenue Agent authority to assist in the enforcement of the provisions of this act; and repealing all laws and parts of laws in conflict herewith; and to exempt all persons, associations of persons, firms and corpora-

tions upon whose business an occupation tax is herein levied from the operation of the act, approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 146 thereof, providing for the taxation of the intangible assets of certain corporations, associations and individuals, and to repeal all sections of the act approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 148 thereof, imposing an occupation tax upon the occupations herein taxed, preserving all liabilities, obligations and penalties incurred or fixed in Chapter 148, Acts Twenty-ninth Legislature, approved April 17, 1905, and all causes of action and suits arising thereunder, and to declare an emergency,' and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harper:

Senate Joint Resolution No. 5, To amend Section 9 of Article 8 of the Constitution of Texas, relating to taxation, authorizing a levy to build interurban and other railroads."

Read first time, and referred to Committee on Constitutional Amendments.

Morning call concluded.

SIMPLE RESOLUTION.

By Senators Sturgeon, Senter and Hayter:

Whereas, William J. Bryan will soon be a visitor to the State, and will speak at Texarkana on January 29, be it

Resolved by the Senate of the State of Texas, That the Acting President of the Senate is hereby instructed to telegraph an invitation to the great soldier for the common good to address the Senate at such time as may be convenient to him.

The resolution was read, and unanimously adopted.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 28, 1909.

Hon. A. B. Davidson President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 43, A bill to be entitled "An Act making it the duty of the Secretary of State to furnish public

libraries in this State that request same copies of all public documents."

Senate bill No. 39, A bill to be entitled "An Act to confer upon the county court of Brewster county the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Senate bill No. 45, A bill to be entitled "An Act creating a special road law for Lavaca county, and declaring an emergency."

Senate bill No. 23, A bill to be entitled "An Act constituting Dallas county the Fourteenth, Forty-fourth and Sixty-eighth Judicial Districts; providing for the present judges of the Fourteenth and Forty-fourth Judicial Districts to continue to hold their offices for the term for which they were elected; the appointment of a suitable person by the Governor as judge of the Sixty-eighth Judicial District to hold until the next general election; that said courts shall not exercise criminal jurisdiction and shall exercise concurrent jurisdiction in all civil cases and proceedings of which district courts are given jurisdiction by the Constitution and laws of the State; that the present district clerk of Dallas county shall continue to hold his office for the term for which he is elected, and providing for filling vacancy should one occur in said office; providing for making up a docket for the Sixty-eighth Judicial District court from the dockets of the other two courts, equalizing the docket of the three courts as near as may be; prescribing how cases shall be numbered and filed in the several courts, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 56, A bill to be entitled "An Act to create a more efficient road system for Bexar county, in the State of Texas."

Senate bill No. 105, A bill to be entitled "An Act to incorporate the city of Marshall, and to grant it a new charter, and to repeal all pre-existing charters, and declaring an emergency."

House bill No. 152, A bill to be entitled "An Act appropriating the sum necessary to refund the unearned portion of the State occupation tax paid upon all liquor dealers' licenses which were unexpired on July 12, 1907, and which

were abrogated on that date by the taking effect of Chapter 138 of the General Laws of the Thirtieth Legislature known as the Baskin-McGregor Law, and declaring an emergency," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Terrell) had referred, after their captions had been read, the following House bills (see captions in above message):

House bill No. 43, referred to Committee on State Affairs.

House bill No. 56, referred to Committee on Roads, Bridges and Ferries.

House bill No. 152, referred to Committee on Finance.

BILLS SIGNED.

The Chair, President Pro Tem. Terrell, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 74, "An Act to grant a new charter to the city of Austin, Travis county, Texas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 38, "An Act creating the Metzon Independent School District in Irion county, Texas, and defining its boundaries, providing for the election of a board of trustees thereof, and prescribing their duties, powers and authority; permitting said trustees when authorized by vote of the majority of property-owning taxpayers voting thereon, to levy and assess a tax not exceeding the maximum prescribed by the Constitution, on all property subject to taxation in said district for the purpose of purchasing and constructing public free school buildings in said district, and for the equipment and furnishing of same and acquirement of sites, and authorizing the issuance of bonds for such purposes, and providing for the collection of taxes; and to levy, assess and provide for the collection of a tax not exceeding 15 cents on the \$100 valuation of taxable property in said district for the maintenance and support of its schools; requiring and providing for an election on the proposition to levy such taxes and issue such bonds; pro-

viding for an election of the tax existing against such portion of said independent school district as was formerly embraced in the Sherwood Common School District until the extinguishment of the present bonded indebtedness of the Sherwood Common School District, and for the payment and distribution to the treasurer of said independent district of its proportionate part of all general and special tax accruing on the territory embraced in said independent district, and generally investing the Metzton Independent School District and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general law upon independent school districts and the board of trustees thereof formed by the incorporation of a town or village for free school purposes only under the general law, and creating and declaring an emergency."

TIME FOR EXECUTIVE SESSION POSTPONED.

Here Senator Willacy moved that the Senate postpone the hour, 11 o'clock a. m. today, for the Senate to go into executive session to consider appointments by the Governor, sent to the Senate on yesterday, until tomorrow at 2:30 o'clock p. m.

The motion was unanimously adopted.

SIMPLE RESOLUTION.

By Senator Alexander:

Whereas, Hon. Thomas D. Campbell, father of Governor T. M. Campbell, departed this life at Dallas, Texas, at 12:40 a. m. January 28, 1909; and

Whereas, Thos. D. Campbell was born in the State of Georgia, A. D. 1832, came to Texas in 1855, settling in Cherokee county, and for more than half a century has been a true and patriotic citizen of this State, faithful to every trust, living a life of noble endeavor and through all these years, as a citizen, his example has been an inspiration to those who knew him; therefore, be it

Resolved, That in the death of Thos. D. Campbell the State of Texas has lost one of its most useful and patriotic citizens, whose exalted character and life stands out as a sentinel of encouragement to the coming generation.

Resolved further, That we extend to our honored Governor, Thos. M. Campbell, and other relatives, in this sad

hour our sincerest sympathies and condolence.

Resolved further, That a copy of these resolutions be spread upon the Journal of this Senate and a copy certified to the Governor by the President and Secretary of the Senate.

Resolved further, That as a mark of respect, this Senate do stand adjourned until Friday, at 2 o'clock p. m., January 29, 1909.

Holsey, Terrell of Bowie, Greer, Peeler, Hayter, Murray, Weinert, Terrell of McLennan, Ward, Real, Adams, Hume, Senter, Veale, Cofer, Brachfield, Alexander, Perkins, Mayfield, Meachum, Hudspeth, Willacy, Masterson, Watson, Harper, Thomas, Bryan, Paulus, Kellie, Sturgeon and Stokes.

Senator Meachum offered the following amendment:

Amend the resolution by adding:

Resolved further, That the flag upon the Capitol be placed at half mast for today and tomorrow as a further mark of respect to the esteemed deceased citizen and patriot.

The amendment was adopted.

On motion of Senator Hudspeth, the resolution was then unanimously adopted by a rising vote.

The Chair declared the Senate adjourned until tomorrow at 2 o'clock p. m.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 26, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 43, A bill to be entitled "An Act providing for the formation, creation and establishment of navigation districts to improve rivers, bays, creeks and streams, to construct and maintain canals and waterways, to permit of navigation, or in aid thereof; for the issuance of bonds and the levying and collecting of taxes for the purpose of paying the interest and creating a sinking fund upon said bond issues; for the creation of navigation boards, the appointment of district commissioners," etc.,

Beg leave to report that we have had the same under consideration, and that since the reference to said bill to this

committee, Senator E. I. Kellie, the author of the bill in the Senate, has presented and submitted to this committee a "substitute bill" in lieu and instead of the original bill, which substitute bill your committee has carefully considered, and is of the opinion that the substitute bill should pass, and I am, therefore, instructed by the committee to report back to the Senate with the recommendation that the original bill be not further considered, but that the "substitute bill" be passed.

HUME, Chairman.

S. S. B. No. 43.

By Kellie.

A BILL

To be entitled

An Act to authorize the formation, creation and establishment of navigation districts to improve rivers, bays, creeks and streams, to construct and maintain canals and waterways to permit of navigation or in aid thereof by the commissioners courts of the several counties in this State or by navigation boards; to provide for the creation and organization of navigation boards where a city or cities, or part or parts thereof, acting under special charter are included within the limits and boundaries of said navigation districts, and defining the powers of such navigation boards; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and authorizing the issuance of bonds and levy of tax, and the issuance of bonds in payment for such improvements and the maintenance thereof, and the levying and collecting of taxes for the payment of such bonds and interest and sinking fund thereon; the appointment of navigation and canal commissioners of such navigation districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such navigation districts or navigation and canal commissioners, and authorizing the navigation and canal commissioners to acquire by purchase, gift or grant for such district title to any right of way and other property; authorizing the navigation and canal commissioners to employ engineers, assistant engineers and other employes, and to employ counsel; to enter into contracts for such improvements; to agree or cooperate with the government of the

United States, the proper department or officer thereof for the carrying out of such improvements or the supervision of the same, and for all things necessary for the maintenance of such districts according to the provisions of this act; and providing for entering upon lands for surveys and for all the purposes of this act, and prescribing penalties for violations of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. One or more districts may hereafter be established in the several counties of this State to be known as navigation districts in the manner hereinafter provided, and such districts may, or may not, include within their boundaries and limits, villages, towns and municipal corporations or any part thereof. Such navigation districts when so established may make improvements of rivers, bays, creeks, streams and canals running or flowing through such districts or any part thereof and may construct and maintain canals and waterways to permit of navigation or in aid thereof, and may issue bonds in payment thereof as hereinafter provided.

Sec. 2. Upon the presentation to the county commissioners court of any county in this State of a petition (accompanied by the deposit provided for in Section 22 of this act) signed by twenty-five of the resident property taxpayers, or in the event there are less than seventy-five resident property taxpayers in the proposed district, then by one-third of such resident property taxpayers of any proposed navigation district, praying for the establishment of a navigation district, and setting forth the boundaries of the proposed district accompanied by a map thereof, the general nature of the improvements or improvements proposed, and an estimate of the probable cost thereof, and praying for the issuance of bonds and levy of tax in payment thereof, and designating a name for such navigation district, which name shall include the name of the county, said petitioners shall make affidavit to accompany said petition of their said qualifications, and the said commissioners court shall, at the same session, when said petition is presented, set same down for hearing at some regular term of said court, or at some special session of said court, called for the purpose, not less than thirty, nor

more than sixty days from the presentation of said petition, and shall order the clerk of said court to give notice of the date and place of said hearing by posting a copy of said petition, and the order of the court thereon, in five public places in said county, one of which shall be at the courthouse door of said county, and four of which shall be within the limits of said proposed navigation district, which said notices shall be posted not less than twenty days prior to the time set for the hearing. The said clerk shall receive as compensation for such services, \$1.00 for each such notice and 5 cents per mile for each mile necessarily traveled in posting such notices.

In the event the boundaries of the proposed district shall include a city or cities, or a part or parts thereof, acting under special charter granted by the Legislature, the hearing of said petition hereinafter provided for, shall be had before the county judge and members of the commissioners court and the mayor and aldermen or commissioners, as the case may be, of said city or cities, and said person shall constitute a board to be known and designated as the navigation board to pass upon the petition aforesaid, each individual member of the said board shall be entitled to a vote, a majority in number of the individuals composing said board shall constitute a quorum and the action of a majority of the quorum shall control.

In the event the hearing of said petition shall be had before the navigation board, the commissioners court of said county shall set the petition down for hearing not less than thirty, nor more than sixty days from the date of the presentation of said petition without reference to any term of the commissioners court, but said hearing shall be held at the regular place of meeting of the commissioners court and notice shall be given of the hearing in the manner and for the time as hereinbefore provided.

The county clerk shall enter and record the proceedings of the navigation board in a record book kept for this purpose, which record shall be a public archive.

The duties and powers herein conferred upon the county judge and members of the commissioners court and upon the mayor and aldermen or commissioners of cities and upon the county clerk and other officers are made a part of the legal duty of said officials which they shall render and perform without

additional compensation, unless otherwise provided herein.

Sec. 3. Upon the day set by said county commissioners for the hearing of said petition, any person who has taxable property within the proposed district or who may be affected thereby may appear before the said court or navigation board as the case may be, and contest the creation of said district, or contend for the creation of said district, and may offer testimony in favor of or against the boundaries of the said district, to show that the proposed improvement or improvements would or would not be of any public utility and would or would not be of any public utility and would or would not be feasible or practicable, and the probable cost of such improvement or improvements, or as to any other matter pertaining to the proposed district. Said county commissioners court or navigation board shall have exclusive jurisdiction to hear and determine all contests and objections to the creation of such districts, and all matters pertaining to the creation and establishment of the same and shall have exclusive jurisdiction in all subsequent proceedings of the district when organized, except as hereinafter provided, and may adjourn hearing on any matter connected therewith from day to day, and all judgments or decisions rendered by said court or navigation board in relation thereto shall be final, except as herein otherwise provided.

Sec. 4. If at the hearing of said petition it shall appear to the commissioners court or navigation board as the case may be, that the proposed improvement is feasible and practicable, that it would be a public benefit and a public utility, and if the court or navigation board as the case may be, shall approve the boundaries of the proposed district as set out in said petition, then the court or navigation board shall so find and shall also find the amount of money necessary for said improvement or improvements and for all expenses incident thereto, and shall determine whether to issue bonds for said full amount or in the first instance for a less amount and shall specify the amount of bonds to issue, the length of time the bonds shall run and the rate of interest said bonds shall bear and cause its findings to be recorded in the records of the commissioners court or minutes of the navigation board as the case may be. If the court or navigation board shall find that the proposed improvement is feas-

ible and practicable, that it would be a public benefit and a public utility, but does not approve the boundaries of the proposed district as set forth in the petition, the court or navigation board shall so find and shall also find the amount of money necessary for said improvement or improvements, and for all expenses incident thereto and shall determine whether to issue bonds for said full amount or in the first instance for a less amount and shall specify the amount of bonds to issue, the length of time the bonds shall run and the rate of interest said bonds shall bear and cause its findings to be entered on record, together with a map thereof, Providing, however, that before any change is made by said court or navigation board as the case may be of the boundaries, notice and a hearing thereof shall be given and had as provided for in Section 2 of this act. If the court or navigation board shall find that the proposed improvement is not feasible or practicable or that it would not be a public benefit or public utility and that the establishment of such navigation district is therefore unnecessary, then the court or navigation board shall enter such findings of record and dismiss the petition at the cost of petitioners, but the order dismissing said petition shall not prevent or conclude the presentation at a later date of a similar petition.

Sec. 5. After the hearing upon the petition, as herein provided, if the court or navigation board, as the case may be, shall find in favor of the petitioners, for the establishment of a navigation district according to the boundaries as set out in said petition, or as changed or modified as above provided by the said court or navigation board, the commissioners court of said county shall order an election in which order provision shall be made for submitting to the qualified property taxpaying voters resident in said district whether or not such navigation district shall be created and whether or not a tax shall be levied sufficient to pay the interest and provide a sinking fund sufficient to redeem said bonds at maturity, said order specifying the amount of bonds to be issued together with the length of time the bonds shall run and the rate of interest said bonds shall bear as said matters have been determined by the commissioners court or navigation board as the case may be, under the provisions of Section 4 of this act. Said election to be held within such proposed navigation district at the earliest legal time, at which election

there shall be submitted the following propositions and none other: "For the navigation district, and issuance of bonds and levy of tax in payment thereof," "Against the navigation district, and issuance of bonds and levy of tax in payment thereof." Provided that said bonds shall not exceed in amount one-fourth of the assessed valuation of the real property of such district as made by the last annual assessment thereof for state and county taxation.

Sec. 6. Notice of such election stating the time and place of holding the same, shall be given by the clerk of the county court by posting notices thereof in four public places in such proposed navigation district and one at the courthouse door of the county in which such district is situated, for thirty days prior to the date set for the election. Such notices shall contain the proposition to be voted upon as set forth in Section 5 of this act, and shall also specify the purpose for which said bonds are to be issued, and the amount of said bonds and shall contain a copy of the order of the court ordering the election.

Sec. 7. The manner of conducting said election shall be governed by the election laws of the State of Texas, except as herein otherwise provided. None but resident property taxpayers who are qualified voters of said proposed district shall be entitled to vote at any election on any question submitted to the voters thereof by the county commissioners court at such election. The county commissioners court shall create and define by an order of the court the voting precincts in the proposed navigation district and shall name a polling place or places within said precincts taking into consideration the convenience of the voters in the proposed navigation district, and shall also select and appoint the judges and other necessary officers of the election, and shall provide one and one-half times as many ballots as there are qualified resident property taxpaying voters within such navigation district. Said ballot shall have printed thereon the words and none other, "For the navigation district, and issuance of bonds and levy of tax in payment thereof," "Against the navigation district, and issuance of bonds and levy of tax in payment thereof."

Sec. 8. Every person who offers to vote in any election held under the provisions of this act shall first take the following oath before the presiding judge of the polling place wherein he offers to vote, and the presiding judge

is hereby authorized to administer same: "I do solemnly swear (or affirm) that I am a qualified voter of _____ county, and that I am a resident property taxpayer of the proposed navigation district voted on at this election and I have not voted before at this election."

Sec. 9. Immediately after the election the presiding judge at each polling place shall make return of the result in the same manner as provided for in election for State and county officers and return the ballot boxes to the county clerk, who shall keep same in a safe place and deliver them, together with the returns from the several polling places to the commissioners court at its next regular session or special session called for the purpose of canvassing the vote and the county commissioners shall at such session canvass the vote and if it is found that a two-thirds majority of those voting at such election shall have been cast in favor of the navigation district and the issuance of bonds and levy of tax, then the court shall declare the result of said election to be in favor of said navigation district, and shall enter same in the minutes of the court as follows:

"Commissioners court of _____ county, Texas, _____ term A. D. _____, in the matter of petition of _____ and _____ others, praying for the establishment of a navigation district, and issuance of bonds and levy of taxes in said petition fully described and designated by the name of _____ navigation district _____. Be it known that an election called for that purpose in said district, held on the _____ day of _____, A. D. _____, a two-thirds majority of the resident property taxpayers voting thereon voted in favor of the creation of said navigation district and the issuance of bonds and the levy of a tax. Now, therefore, it is considered and ordered by the court that said navigation district, be, and the same is hereby established by the name of _____ navigation district, and that the bonds of said district in the amount of _____ dollars be issued and a tax of _____ cents on the hundred dollars of valuation, or so much thereof as may be necessary, be levied upon all property within said navigation district whether real, personal, mixed or otherwise, sufficient in amount to pay the interest on such bonds and provide a sinking fund sufficient to redeem them at maturity, and that if said tax shall at any time be-

come insufficient for such purposes same shall be increased until same is sufficient. The metes and bounds of said district being as follows, to-wit:"

Sec. 10. After the establishment of any navigation district as herein provided, the commissioners court or navigation board as the case may be, shall appoint three navigation and canal commissioners all of whom shall be residents of the proposed navigation district, who shall be freehold property taxpayers and legal voters of the county, whose duties shall be as hereinafter provided, and who shall each receive for their services such compensation as may be fixed by the commissioners court and made of record. Said navigation and canal commissioners shall hold office for the term of two years and until their successors have qualified unless sooner removed by a majority vote of the county commissioners or navigation board as the case may be, for malfeasance or non-feasance in office. Upon the expiration of the term of office of said navigation and canal commissioners, the commissioners court or navigation board as the case may be, shall appoint their successors by a majority vote. Should any vacancy occur through the death or resignation or otherwise of any commissioner the same shall be filled by the commissioners court or the navigation board, as the case may be.

Sec. 11. Before entering upon their duties all navigation and canal commissioners shall take and subscribe before the county judge an oath to faithfully discharge the duties of their office without favor or partiality, and to render a true account of their doings to the court or navigation board by which they are appointed whenever required to so do, which oath shall be filed by the county clerk and preserved as a part of the records of said navigation district.

Sec. 12. Before entering upon their duties each of the navigation and canal commissioners shall make and enter into a good and sufficient bond in the sum of \$1000 payable to the county judge for the use and benefit of said navigation district and conditioned upon the faithful performance of their duties.

Sec. 13. The navigation and canal commissioners shall organize by electing one of their number chairman and one secretary and two of the commissioners shall constitute a quorum and a concurrence of two shall be sufficient in all matters pertaining to the business of said district.

Sec. 14. The navigation and canal

commissioners shall have authority to employ a competent engineer whose term of office shall be at the will of the navigation and canal commissioners and who shall receive such compensation as may be determined by the navigation and canal commissioners. It shall be the duty of the engineer to make all necessary surveys, examinations, investigations, maps, plans and drawings with reference to the proposed improvement or improvements, he shall make estimate or estimates of the cost of same, shall supervise the work of improvement and shall do and perform all such duties as may be required by him by the navigation and canal commissioners. Provided, that if the river, creek, stream, bay, canal or waterway to be improved is navigable or the improvement proposed be of such nature as requires the permission or consent of the government of the United States or any department or officer of the government of the United States, the navigation and canal commissioners shall be authorized to obtain the required permission or consent of the government of the United States or any proper officer or department thereof; and in lieu of the employment of an engineer as herein provided or in addition thereto, the navigation and canal commissioners shall have power to adopt any survey of the river, creek, canal, stream, bay or waterway theretofore made by the government of the United States or any department thereof and to arrange for surveys, examinations and investigations of the proposed improvement, and for supervision of the work of improvement by the government of the United States or the proper department or officer thereof; provided, that said navigation and canal commissioners shall have full power and authority to co-operate and act with the government of the United States or any officer or department thereof, in any and all matters pertaining to or relating to the construction and maintenance of said canals and the improvement and navigation of all such navigable rivers, bays, creeks, streams, canals and waterways whether by survey, work or expenditures of money made or to be made either by said navigation and canal commissioners or by said government of the United States or any proper officer or department thereof, or by both, and to the end that the said government of the United States may aid in all such matters the said commissioners shall have authority to agree and consent to the said government of the United States

entering upon and taking management and control of said work, in so far as it may be necessary or permissible under the laws of the United States and the regulations and orders of any department thereof.

Sec. 15. When the said navigation and canal commissioners shall have determined the cost of the proposed improvement or improvements, all of the expenses incident thereto and cost of maintenance thereof, the said navigation and canal commissioners shall certify to the commissioners court of the county in which such district is situated, the amount of bonds necessary to be issued, and thereupon the said court at a regular or special meeting shall make an order directing the issuance of navigation bonds for such navigation district in the amount so certified, provided that the amount of bonds shall not exceed the amount authorized by the election theretofore held. In the event the proceeds of bonds issued by such navigation district should be insufficient to complete the proposed improvement or construction, or in the event the navigation and canal commissioners shall determine to make other and further construction or improvements or shall require additional funds with which to maintain the improvements made, they shall certify to the commissioners court of the county in which such district is situated the necessity for an additional bond issue, stating the amount required and the purpose of the same; the rate of interest of said bonds and the time for which they are to run, whereupon the commissioners court shall issue such bonds unless the amount previously authorized shall have been exhausted in which case the commissioners court shall order an election on the issuance of said bonds, to be held within such navigation district at the earliest possible legal time, and in the manner hereinbefore provided for the original issue of bonds, at which election there shall be submitted the following propositions and none other: "For the issuance of bonds and levy of tax in payment thereof," "Against the issuance of bonds and levy of tax in payment thereof." Notices of such election shall be given as provided in Section 6 of this act and the election shall be held and conducted in the manner provided in Sections 7 and 8 of this act. Only those who are qualified property taxpaying voters as provided in this act, shall vote at such election and the returns of such election

shall be canvassed as provided in Section 9 of this act.

15a. If, upon a canvass of the vote, the commissioners court shall determine that a two-thirds majority of the votes cast at said election shall have been cast in favor of the issuance of bonds and levy of tax, the said court shall make an order directing the issuance of said bonds, and levy of tax; provided, however, that the outstanding bonds and the additional bonds so ordered shall not exceed in amount one-fourth of the assessed value of the real property in such district as shown by the last annual assessment thereof made for State and county taxation.

Sec. 16. All bonds issued under the provisions of this act shall be issued in the name of the navigation district, signed by the county judge, and attested by the clerk of the county court, with the seal of the commissioners court affixed thereto, and such bonds shall be issued in denominations of not less than \$100 nor more than \$1000 each, and such bonds shall bear interest at a rate not to exceed 5 per cent per annum. Such bonds and interest shall by their terms be made payable at the county treasurer's office of the county in which such navigation district is located, or elsewhere as may be fixed by said navigation and canal commissioners, and no bonds shall be made payable more than forty years after date.

Sec. 17. Any navigation district in the State of Texas desiring to issue bonds in accordance with this act shall, before such bonds are offered for sale, forward to the Attorney General a copy of the bonds to be issued, a certified copy of the order of the commissioners court levying the tax to pay interest and provide a sinking fund, and a statement of the total bonded indebtedness of such navigation district as such, including the series of bonds proposed and the assessed value of property for the purpose of taxation, as shown by the last official assessment by the county, together with such other information as the Attorney General may require, whereupon it shall be the duty of the Attorney General to carefully examine said bonds in connection with the facts and the Constitution and laws on the subject of the execution of such bonds, and if as the result of such examination the Attorney General shall find that such bonds were issued in conformity with the Constitution and laws, and that they are valid and binding obliga-

tions upon such navigation district by which they are issued, he shall so officially certify.

Sec. 18. When said bonds have been examined by the Attorney General and his certificate issued to that effect they shall be registered by the State Comptroller in a book to be kept for that purpose, and the certificate of the Attorney General to the validity of such bonds shall be preserved of record for use in the event of litigation. Such bonds, after being approved by the Attorney General, and after having been registered in the Comptroller's office, as herein provided, shall thereafter be held in every action, suit or proceeding in which their validity is or may be brought in question, prima facie, valid and binding obligations. And in every action brought to enforce collection of said bonds or interest thereon, the certificate of the Attorney General or a duly certified copy thereof shall be admitted and received as prima facie evidence of the validity of such bonds, together with the coupons thereto attached; provided, that the only defense that can be offered against the validity of said bonds or coupons shall be forgery or fraud. But this article shall not be construed to give validity to any such bonds or coupons as may be issued in excess of the limit fixed by the Constitution, or contrary to its provisions, but all such bonds shall, to the extent of such excess, be held void.

Sec. 19. Before issuing any bonds under the provisions of this act, the county commissioners court shall provide a well-bound book, in which a record shall be kept by the county clerk of all bonds issued, with their numbers, amount, rate of interest and date of issue, when due, where payable and amount received for the same, and the annual rate per cent assessment made each year to pay the interest on said bonds and provide a sinking fund for their payment. And said book shall at all times be open to the inspection of all parties interested in said district, either as taxpayers or bondholders, or otherwise, and upon the payment of any bond an entry thereof shall be made in said book. The county clerk shall receive for his services in recording all bonds and other instruments of the navigation district the same fees as provided by law for other like records.

Sec. 20. When such bonds have been registered as provided for in the preceding section of this act, the chairman

of the navigation and canal commissioners shall offer for sale and sell said bonds on the best terms and for the best price possible, but none of said bonds shall be sold for less than the face par value thereof and accrued interest thereon, and as fast as said bonds are sold, all moneys received therefor shall be paid to the county treasurer and shall by him be placed to the credit of such navigation district.

Sec. 21. Before the said chairman of the navigation and canal commissioners shall be authorized to sell any of the navigation bonds he shall execute a good and sufficient bond, payable to the county judge or his successors in office, to be approved by the county commissioners court of said county for an amount not less than the amount of the bonds issued, conditioned upon the faithful discharge of his duties.

Sec. 22. All expenses of any kind, after the filing of the original petition necessarily incurred in connection with the creation, establishment and maintenance of any navigation district organized under the provisions of this act shall be paid out of the "construction and maintenance fund" of such navigation district, which fund shall consist of all moneys received from the sale of bonds and all other amounts received by said district from whatever source except the tax collections applied to the sinking fund and payment of interest on the navigation bonds; provided, that should the proposition of the creation of such navigation district and issuance of bonds be defeated at the election called to vote upon same, then all expenses up to and including said election shall be paid in the following manner: When the original petition praying for the establishment of a navigation district is filed with the county commissioners court it shall be accompanied by \$500 in cash, which shall be deposited with the clerk of said county commissioners court, and by him held until after the result of the election for the creation of said navigation district has been declared and entered of record by the commissioners court, as hereinbefore provided, and should the result of said election be in favor of the establishment of said district then the said \$500 shall be by said clerk returned to the signers of said original petition or their agent or attorney; but should the result of said election be against the establishment of said district, then the said clerk shall pay out of the said

\$500, upon vouchers signed by the county judge, all costs and expenses pertaining to the said proposed district up to and including the said election, and shall return the balance, if any, of said \$500, to the signers of said original petition or their agent or attorney.

Sec. 23. Whenever any such navigation district bonds shall have been voted the commissioners court shall levy and cause to be assessed and collected improvement taxes upon all property within said navigation district, whether real, personal, mixed or otherwise, and sufficient in amount to pay the interest on such bonds, together with an additional amount to be annually placed in a sinking fund sufficient to discharge and redeem said bonds at their maturity.

If advisable the sinking fund shall from time to time be invested by the commissioners court of the county, in such county, municipal, district or other bonds as shall be approved by the Attorney General of the State.

Sec. 24. The county commissioners court shall provide all necessary additional books for the use of the assessor and collector of taxes and the county clerk for such navigation district, and charge the cost of same to the said navigation district. It shall be the duty of the county tax assessor, when ordered to do so by the commissioners court, to assess all property within such navigation district and list the same for taxation in the books or rolls furnished him by said commissioners court for that purpose, and return said books or rolls at the same time when he returns the other books or rolls of the State and county taxes, for correction and approval; and if the said commissioners court shall find said books or rolls correct, they shall approve the same, and in all matters pertaining to the assessment of property for taxation in said districts, the tax assessor and board of equalization of the county in which said district is located shall be authorized to act and shall be governed by the laws of Texas for assessing and equalizing property for State and county taxes, except as herein provided. All taxes authorized to be levied by this act shall be a lien upon the property upon which said taxes are assessed and said taxes may be paid and shall mature and be paid at the time provided by the laws of this State for the payment of State and county taxes, and all the penalties provided by the laws of this State for the non-payment of State and county

taxes shall apply to all taxes authorized to be levied by this act. The tax assessor shall receive for said services such compensation as the said navigation and canal commissioners shall deem proper, provided that said county assessor shall in no event be allowed more than he is now allowed by law for the like services. Should the tax assessor fail or refuse to comply with the orders of the commissioners court requiring him to assess and list for taxation all the property in such navigation districts as herein provided, he shall be suspended from the further discharge of his duties by the commissioners court of his county, and he shall be removed from office in the mode prescribed by law for the removal of county officers.

Sec. 25. The tax collector of the county shall be charged by the county commissioners court with the assessment rolls of the navigation district, and he shall be allowed no more compensation for the collection of said taxes than he is now allowed for the collection of other taxes, same to be fixed by the navigation and canal commissioners. The county commissioners court shall require the tax collector of the county to give an additional bond or security in such a sum as they may deem proper and safe to secure the collection of said taxes, and in all matters pertaining to the collection of taxes levied under the provisions of this act the tax collector shall be authorized to act and shall be governed by the laws of Texas for the collection of State and county taxes, except as herein provided, and suits may be brought for the collection of said taxes and the enforcement of the tax liens created by this act. Should any collector of taxes fail or refuse to give such additional bond or security as herein provided, when requested by the commissioners court, within the time prescribed by law for such purposes, he shall be suspended from office by the commissioners court of his county, and immediately thereafter be removed from office in the mode prescribed by law.

Sec. 26. It shall be the duty of the tax collector to make a certified list of all delinquent property upon which the navigation tax has not been paid and return the same to the county commissioners court, which shall proceed to have the same collected by the sale of such delinquent property in the same manner, both by suit and otherwise, as is now provided for the sale of property for the collection of State and

county taxes, and at the sale of any property for any delinquent tax the navigation and canal commissioners may become the purchasers of the same for the benefit of the navigation district.

Sec. 27. It shall be the duty of the county treasurer to open an account with the navigation district and to keep an accurate account of all moneys received by him belonging to such district and of all amounts paid out by him. He shall pay out no money except upon a voucher signed by the chairman or any two of the said navigation and canal commissioners, and he shall carefully preserve on file all orders for the payment of money, and as often as required by the said navigation and canal commissioners or the county commissioners court he shall render a correct account to them of all matter pertaining to the financial condition of such district.

Sec. 28. The county treasurer shall execute a good and sufficient bond, payable to the navigation and canal commissioners of such district in a sum equal to twice the amount of bonds issued, conditioned for the faithful performance of his duty as treasurer of such district, which bond shall be approved by said navigation and canal commissioners, and the treasurer shall be allowed such compensation for his services as such treasurer as may be determined by the navigation and canal commissioners not exceeding the same per cent as is now allowed by the county for his services as county treasurer.

Sec. 29. The right of eminent domain is hereby conferred upon all navigation districts established under the provisions of this act for the purpose of condemning and acquiring the right of way over and through any and all lands, private or public, except property used for cemetery purposes, necessary for the improvement of any river, bay, creek or stream, and the construction and maintenance of any canal or waterway, and for any and all purposes authorized by this act. All such condemnation proceedings shall be instituted under the direction of the navigation and canal commissioners and in the name of the navigation district, and the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring the right of way by railroads; provided, that no appeal from the finding and assessment of damage by the commissioners appointed for that purpose shall have the effect of causing a suspension of work by the

navigation commissioners in prosecuting the work of improvement in all of its details; provided, that no right of way can be condemned through any part of an incorporated city or town without the consent of the lawful authorities of such city or town.

Sec. 30. The navigation and canal commissioners of any district are hereby empowered to acquire the necessary right of way and property of any kind for all necessary improvements contemplated by this act, by gift, grant, purchase or condemnation proceedings.

Sec. 31. The navigation and canal commissioners of any district and the engineer from the time of their appointment are hereby authorized to go upon any lands lying within said district for the purpose of examining the same, making plans, surveys, maps and profiles, together with all necessary teams, help, tools, and instruments, without subjecting themselves to action of trespass, and any person who shall willfully prevent or prohibit any of such officers from entering any land for such purposes shall be guilty of a misdemeanor, and upon conviction may be fined in any sum not exceeding \$25 for each day he shall so prevent or hinder such officer from entering upon any land, and any justice of the peace in the county shall have jurisdiction of all such offenses.

Sec. 32. If the improvement or improvements be not carried out and performed by the government of the United States as herein provided, the contract or contracts for such improvement or improvements shall be let by the navigation and canal commissioners and the same shall be awarded to the lowest and best responsible bidder, after giving notice by advertising the same in one or more newspapers of general circulation in the State of Texas once a week for four consecutive weeks and by posting notices for at least thirty days in five public places in the county, one of which shall be at the courthouse door, and at least two of which shall be within said navigation district. Nothing herein contained shall prevent the making of more than one improvement and where more than one improvement is to be made the contract may be let separately for each or one contract for all such improvements.

Sec. 33. Any person, corporation or firm desiring to bid on the construction of any work advertised for as provided under the preceding section of this act, shall upon application to the navigation

and canal commissioners be furnished the survey, plans and estimates for the said work, and all bids or offers for any of such work shall be in writing and sealed and delivered to the chairman of the navigation and canal commissioners together with a certified check for at least 5 per cent of the total amount bid, which shall be forfeited to the district in case the bidder refuses to enter into a proper contract if his bid is accepted. Any and all bids may be rejected at the discretion of the navigation and canal commissioners.

Sec. 34. All contracts made by the navigation and canal commissioners shall be reduced to writing and signed by the contractors and navigation and canal commissioners or any two of said commissioners and a copy of same filed with the county clerk for reference.

Sec. 35. The party, firm or corporation to whom any such contract is let shall give bond, payable to the navigation and canal commissioners for said district, in twice the amount of the contract price, conditioned that he, they or it will faithfully perform the obligations, agreements and covenants of their contract, and that in default thereof, will pay to said district all damages sustained by reason thereof. Said bond shall be approved by such navigation and canal commissioners.

Sec. 36. All work contracted for by the navigation and canal commissioners, unless done under the supervision of the government of the United States or the proper department or officer thereof, shall be done under the supervision of the engineer and when the work is completed according to contract, the engineer shall make a detailed report of the same to the navigation and canal commissioners, showing whether the contract has been fully complied with according to its terms, and if not, in what particular it has not been so complied with.

Sec. 37. The navigation and canal commissioners shall have the right, and it is hereby made their duty during the progress of the work being done under contract to inspect the same; and upon completion of any contract, they shall draw a warrant on the county treasurer for the amount of the contract price in favor of the contractor or his assignee, which warrant shall be paid out of the construction and maintenance fund of such district, provided, that if the navigation and canal commissioners shall deem it advisable they may contract for the work to be paid

for in partial payments as the work progresses, but such partial payments shall not exceed in the aggregate 80 per cent of the total amount to be paid under the contract, the amount of work completed to be shown by a certificate of the engineer, and provided further, that nothing in this section shall affect the provisions of this act, providing for the carrying out and performing of the improvement or improvements by the government of the United States.

Sec. 38. The navigation and canal commissioners shall make an annual report of their acts and doings as such commissioners and file the same with the clerk of the county court on or before the first day of January each year, which report shall show in detail the kind, character and amount of work done in the district, the cost of same and the amount paid out on order, for what purpose paid and other data necessary to show the condition of improvements made under the provisions of this act.

Sec. 39. The navigation and canal commissioners are hereby authorized and empowered to employ such assistant engineers and other employes as may be necessary, paying such compensation as they may determine, and the said commissioners are authorized to employ counsel to represent such district in the preparation of any contract or the conducting of any proceedings in or out of court, and to be the legal advisor of the navigation and canal commissioners on such terms and for such fees as may be agreed upon by them, and such commissioners shall have the authority to draw warrant or warrants in payment of such legal services and for the salary of the engineer, his assistant or any other employes and for all expense incident and pertaining to the navigation district.

Sec. 40. Neither the county judge nor any county commissioner, nor member of the navigation board, nor the navigation and canal commissioners or engineers shall be directly or indirectly interested for themselves or as agents for anyone else in the contract for the construction of any work to be performed by such navigation district, and if said officers or either of them shall, directly or indirectly, become interested in any contract for such work, or in any fee paid by such navigation district whereby he or others shall receive any money consideration or other thing of value, except in payment of services as in this act provided, he shall be guilty of a

misdeemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

Sec. 41. All navigation districts established under this act may, by and through the navigation and canal commissioners, sue and be sued in all courts of this State in the name of such navigation district, and all courts of this State shall take judicial notice of the establishment of all such districts.

Sec. 43. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 44. The fact that many counties and districts of Texas are anxious to organize navigation districts for the improvement of rivers, creeks, bays and streams, and the construction and maintenance of canals and waterways and there is now no law under which such districts can be properly formed, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and also that this act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, January 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate Concurrent Resolution No. 6, Approving the resolution adopted at a meeting of the Board of Regents of the University of Texas, held at Austin, January 19, 1909, making application for admission of the University of Texas into all the rights and privileges of the Carnegie foundation for the advancement of teaching,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

ALEXANDER, Chairman.

Committee Room,

Austin, Texas, January 28, 1909.

Hon. J. W. Terrell, President Pro Tem. of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

Senate bill No. 19, A bill to be entitled "An Act to provide for the location and establishment of a factory for the manufacture of cotton bagging, cotton sacks and cotton twine by a board of management of the State penitentiary for the employment of managing experts and of certain State convicts in the

operation of said factory, and to make an appropriation therefor."

Have had the same under consideration, and I am instructed to report same back with the recommendation that it do pass.

WEINERT, Chairman.

(Floor Report.)

Austin, Texas, January 28, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 2, To amend Sections 1, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, Article 5 of the Constitution of the State of Texas, relating to judiciary,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

Weinert, Brachfield, Veale, Masterson, Perkins, Thomas, Stokes and Watson.

Committee Room,

Austin, Texas, January 28, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 57, A bill to be entitled "An Act putting into effect the constitutional amendment adopted by the people at the last general election, relating to public schools, by amending Sections 50, 57, 58, 59, 60, 61, 63, 65, 66, 76, 77, 78, 80, 81 and 154, and adding 154a, of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to school districts and school funds, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Hudspeth:

Mason, Texas, January 25, 1909.

To Members of the State Senate.

Dear Sirs: We, the undersigned ministers and pastors of churches in Mason, Texas, do hereby respectfully petition you to use all honorable means to secure the passage of the submission bill now before the Legislature.

Signed—J. P. Lyle, Pastor Presbyterian Church; G. Doerr, Pastor German M. E. Church; J. P. Garrett, Pastor M. E. Church, South; Jas. E. Taylor, Pastor Christian Church; L. O. Vermillion, Pastor Baptist Church.

By Senator Adams:

Llano, Texas, January 25, 1909.

Senator Adams of Brown, the Senate, Austin, Texas:

We, the undersigned citizens of Llano county, respectfully urge your earnest support opposing the guaranty measure.

Signed—L. C. Smith, F. K. Lange, Myrick Johnson, M. D. Slator, W. Vanderstucken, Eli Parkhill, Alex Moore, Henry Buttery, B. A. Pessels, Jas. Flack, J. L. Hudson, J. A. McLean, W. F. Gray, A. H. Strahl, C. H. Appleton and A. H. Chism.

By Senator Veale:

Floydada, Texas, January 20, 1909.

Hon. John W. Veale, State Senator for District No. 29.

Dear Sir: We, the undersigned qualified voters of Floyd county, Texas, respectfully ask that you use every honorable effort to block all legislation until the question of submission is granted to the people of Texas.

You may rest assured all true Democrats will stand by you in this fight for the people's rights to express themselves on this and all questions of public interest.

Numerously signed.

By Senator Veale:

Memphis, Texas, January 26, 1909.

To Hon J. W. Veale, State Senator, and Hon. G. E. Hamilton, Representative:

Your attention is most respectfully called to the following:

Whereas, As the submission of the constitutional amendment, providing for Statewide prohibition of the liquor traffic to be submitted to a vote of the people, for their adoption or rejection, has become a platform demand and is before the present Legislature; and

Whereas, Our present laws on gambling allow pool selling, bookmaking and betting on horse racing when bet is made on the day of the race and within the enclosure where the race is run, which in our judgment, is an exceedingly bad form of gambling, and under existing circumstances is very detrimental to the moral interest of our people; and

Whereas, Our holy Sabbath is being

desecrated by the operation of fairs, shows, entertainments, etc., to the dishonor of our Lord and the moral hurt of our citizenship, our laws seeming to be defective or inadequate to prevent it;

Therefore, we, the undersigned citizens of Hall county, do hereby very respectfully but most urgently petition you as our representatives in the Legislature, to use all your influence and very best endeavors:

1. To pass the submission bill.
2. To amend our laws on gambling so as to prohibit race-track gambling, as well as all other kinds of gambling.
3. To so amend our Sunday laws by increasing the penalty for violation thereof, so as to make it altogether impractical to operate fairs, shows or entertainments where fees are charged or received for same.

Numerously signed.

Senator Greer offered a petition signed by citizens of Camp county, favoring bill prohibiting pool selling, book making and betting on horse racing.

By Senator Bryan:

Snyder, Texas, January —, 1909.

Hon. W. J. Bryan, Senator Twenty-eighth District.

Dear Sir: We, the undersigned patrons of what is known as the "drug peddlers," respectfully petition that you use your influence to prevent any excessive or prohibitive tax being levied against these drug concerns who sell from house to house direct to the consumer, for we buy our drugs, toilet articles and flavoring extracts at one-half to two-thirds the price we pay the regular drug stores for such items, and we get much better goods, always fresh from the manufactories; so we beg of you to favor the many in legislation along this line, and not the retail druggists alone. The occupation tax now is \$100 to State and \$50 to the county. We consider this excessive, and think one-half of this amount would be more just. The plan we buy these goods on is "free trial" and "pay after you are satisfied."

Numerously signed.

By Senator Ward:

Senator P. S. B. Ward, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum

bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

By Senator Watson:

We, the undersigned citizens of Brenham, Washington county, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, endorse the bill providing for such an institution, as prepared by joint committees from the County Judges and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

By Senator Thomas:

To the Members of the Thirty-first Legislature:

Having learned that there is now pending in the lower house of the Thirty-first Legislature a bill to establish in the Fourth Congressional District the Grubbs Self-Help and Industrial College, and to locate the same at Campbell, Hunt county, and fully appreciating the necessity for such an institution for the training of the youth for the industrial as well as the intellectual activities of life, and further believing that such action on the part of the Texas Legislature would be a fitting and deserving tribute to the service freely given to the State by its founder, we most respectfully ask that you pass said bill at the earliest practical time.

Numerously signed.

By Senator Bryan:

Senator W. J. Bryan, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

By Senator Peeler:

Hon. J. L. Peeler, Austin, Texas.

Dear Sir: We, the undersigned citizens and taxpayers of this, the Twentieth Senatorial District, respectfully request that you vote against and use your influence to prevent the passage of the bill which is to come up before a joint committee on January 28, in which an effort is being made to eliminate book making at race tracks, etc. If this

bill becomes a law it will forever put an end to all county fairs, and will tend to discourage the raising of a better grade of horses, cattle, sheep, poultry and all other kinds of stock; it will also practically kill the State Fair at Dallas, which has grown to be second to none in the United States.

Numerously signed.

By Senator Peeler:

Senator Jno. L. Peeler, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 29, 1909.

Senate met pursuant to adjournment, President Pro Tem. Terrell of Bowie presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Harper.	Masterson.
Hudspeth.	Veale.
Hume.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Ward:

Senate bill No. 135, A bill to be entitled "An Act to amend an act entitled 'An

Act to fix certain civil fees to be charged by certain county and precinct officers and to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justice of the peace and constable, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith,' by adding thereto Section 12a."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Weinert, Cofer, Murray and Hudspeth:

Senate bill No. 136, A bill to be entitled "An Act to create the Texas Library and Historical Commission, setting forth the purposes of the said Library and Historical Commission, defining its powers and duties, repealing Article 2805 of the Revised Civil Statutes of the State of Texas, amending Article 2806, and in general repealing all laws and parts of laws in conflict with this act."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senators Real and Terrell of Bowie:

Senate bill No. 137, A bill to be entitled "An Act to amend Title 12, Chapter 2, Revised Civil Statutes of the State of Texas, by adding to Article 278, Article 278a, prescribing mode of appointing assistant district attorneys in districts of 60,000 population and over, where there is no criminal district court established, and qualification therefor, and duties thereof, and affixing salary, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

(The following bills were referred by Lieutenant Governor Davidson.)

By Senators Terrell of McLennan, Peeler, Willacy and Watson:

Senate bill No. 138, A bill to be entitled "An Act to amend Section 7, Chapter 123, Acts of the Thirtieth Legislature, entitled 'An Act to define and regulate the practice of medicine, to create a board of medical examiners for the ex-